

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN HANCOCK LIFE INSURANCE)
COMPANY, JOHN HANCOCK)
VARIABLE LIFE INSURANCE)
COMPANY, and MANULIFE)
INSURANCE COMPANY (f/k/a) Civil Action No. 05-11150-DPW
INVESTORS PARTNER LIFE)
INSURANCE COMPANY),)
)
)
Plaintiffs,)
)
)
v.)
)
ABBOTT LABORATORIES,)
)
)
Defendant.)

**ABBOTT LABORATORIES' MOTION FOR LEAVE TO FILE REPLY IN SUPPORT
OF ITS MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF MR.
ALAN FRIEDMAN**

Pursuant to Local Rule 7.1(B)(3), Defendant Abbott Laboratories (“Abbott”) requests leave to file a Reply brief and two supplemental affidavits to respond to Plaintiffs’ Opposition to Abbott Laboratories Motion in Limine to Exclude the Expert Testimony of Mr. Alan Friedman (“Motion in Limine”). In support of its opposition to the Motion in Limine, Hancock has submitted two affidavits from additional experts who were not disclosed in accordance with Federal Rule of Civil Procedure 26 and the pre-trial orders in this case. The affidavits of these previously undisclosed and unidentified witnesses raise new issues that require a response from Abbott. Also, Abbott has sufficient legal grounds to move for exclusion of these additional expert opinions based on Federal Rule of Civil Procedure 26 and the relevant case law. Abbott

believes that its proposed Reply brief and Supplemental Affidavits will be helpful to the Court in its adjudication on the merits of the Motion in Limine.

For the above reasons, Abbott respectfully requests leave to file its Reply in Support of Its Motion for Protective Order along with the Supplemental Affidavits of Eric Lorenzini and Keith Hendricks. Abbott's proposed Reply in Support of Its Motion for Protective Order and the two affidavits are being submitted under seal as Exhibits A, B and C respectively. Abbott further requests that, if the Court grants this motion for leave to file, the proposed Reply and Supplemental Affidavits be deemed filed as of the date of such order.

Dated: October 23, 2007

Respectfully submitted,

ABBOTT LABORATORIES

By: /s/ Michael S. D'Orsi
Michael S. D'Orsi

One of its attorneys

Peter E. Gelhaar (BBO#188310)
Michael S. D'Orsi (BBO #566960)
DONNELLY, CONROY & GELHAAR LLP
1 Beacon St., 33rd Floor
Boston, Massachusetts 02108
(617) 720-2880
peg@dcglaw.com
msd@dcglaw.com

and

Jeffrey I. Weinberger (*pro hac vice*)
Gregory D. Phillips (*pro hac vice*)
Eric J. Lorenzini (*pro hac vice*)
Ozge Guzelsu (*pro hac vice*)
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue
Thirty-Fifth Floor

Los Angeles, CA 90071-1560
Tele: (213) 683-9100

Counsel for Abbott Laboratories

LOCAL RULE 7.1 CERTIFICATION

The undersigned hereby certifies that Abbott's counsel and Hancock's counsel conferred regarding Abbott's Motion for Leave to File a Reply in Support of its Motion in Limine to Exclude the Expert Testimony of Mr. Alan Friedman, but were unable to reach an agreement.

/s/ Michael S. D'Orsi
Michael S. D'Orsi

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 23, 2007.

Date: October 23, 2007.

/s/ Michael S. D'Orsi
Michael S. D'Orsi